



Indiana Pro Bono Commission
230 East Ohio Street, Suite 200
Indianapolis, IN 46204

Indiana Bar Foundation
230 East Ohio Street, Suite 200
Indianapolis, IN 46204

COMBINED 2003 DISTRICT REPORT, 2005 PRO BONO GRANT APPLICATION, AND 2005 PLAN

Pro Bono District Five

Applicant: District Five Pro Bono Committee

Mailing Address: c/o Hon. Thomas Perrone, Judge, Cass Superior Court #1

200 Court Park, Room 401 **City:** Logansport, IN **Zip:** 46947

Phone: (574) 753-7735 **Fax:** (574) 753-7845

E-mail address: supcourt1@casscountygov.org **Web site address:** N/A

Judicial Appointee: Hon. Thomas Perrone, Judge Cass Superior Court #1

Plan Administrator: Hon. Thomas Perrone, Judge Cass Superior Court #1

Names of Counties served: Cass, Fulton, Howard, Miami, Tipton and Wabash

Number of registered attorneys in county:

Cass	<u>38</u>
Fulton	<u>15</u>
Howard	<u>98</u>
Miami	<u>24</u>
Tipton	<u>16</u>
Wabash	<u>30</u>
in district:	<u>221</u>

Percentage of volunteer attorneys who accepted a pro bono case in 2003 per registered attorneys in county:

Cass	<u>10.5%</u>
Fulton	<u>13.3%</u>

Howard	<u>0%</u>
Miami	<u>20.8%</u>
Tipton	<u>0%</u>
Wabash	<u>3.3%</u>
in district:	<u>5.9%</u>

Percentage of volunteer attorneys *who have not yet accepted a pro bono case in 2003* per registered attorneys in county:

Cass	<u>89.5%</u>
Fulton	<u>86.7%</u>
Howard	<u>100%</u>
Miami	<u>79.2%</u>
Tipton	<u>100%</u>
Wabash	<u>96.7%</u>
in district:	<u>94.1%</u>

Amount of grant received for 2004: \$1,000.00

Amount of grant (2003 & prior years) projected to be unused as of 12/31/04: \$0.00

Amount requested for 2005: \$11,000.00

PRO BONO DISTRICT NUMBER <u>FIVE</u> LETTER OF REPRESENTATION
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The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.5

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- ~~C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.~~

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results;
- D. submit an annual report to the Commission; and
- E. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Participation by the local bar associations and attorneys. The associations and attorneys believe the program is necessary and beneficial.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.

3. Program priorities. The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal providers and bar associations. The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.

11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the above Letter of Representation:

The Committee does not currently have two (2) community at large representatives. Committee members will actively recruit two (2) community representatives, including at least one present or past recipient of pro bono public services.

It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.

Signatures:

Judicial Appointee Signature

Date

Plan Administrator Signature

Date

2005 PLAN SUMMARY

1. **Please write a brief summary of the 2005 grant request. Please include information regarding your district's planned activities. The grant request should cover needs to be addressed, methods, target audience, anticipated outcomes, and how past difficulties will be addressed.**

Attorney Recruitment and Recognition: Recruitment of additional volunteer attorneys continues to be a high priority for the Committee. In 2005, committee members will continue their personal efforts to recruit new volunteer attorneys. A 6-hour CLE program will be sponsored by the Committee to recruit new volunteer attorneys. Volunteer attorneys will be recognized during law week activities in each county.

Increasing District V's Visibility: The Committee will continue efforts begun in 2004 to increase visibility and understanding of its efforts to promote Pro Bono activity. Written materials and information will be prepared and distributed to increase awareness of the work of the Committee, increase the number of volunteer attorneys, and improve the ability of low-income individuals to access Pro Bono representation.

Howard County Legal Aid: Organized by the Howard County Bar Association, Howard County Legal Aid ("HCLA") has a long history of serving the legal needs of low-income individuals in Howard County. The Committee will continue working with HCLA in an effort to "quantify" both the number of individuals served by HCLA, and the number of hours donated by HCLA volunteer attorneys.

Increasing number of Volunteer Attorney cases: The greatest challenge for the Committee is increasing the number of cases volunteer attorneys actually accept in the grant year. The Committee's goal is to refer at least two (2) cases to each volunteer attorney in 2005.

Client intake, eligibility screening, case referral, and administration: ILSI will continue to receive financial support from the Committee to conduct prospective client intake, eligibility screening, case referral and other administrative responsibilities, including malpractice insurance coverage for participating attorneys, handling District funds, record keeping and statistical reporting.

Community Legal Educations Presentations: One community legal education program will be held in each county in the District. The programs will be scheduled in conjunction with a larger function or series of events, to take advantage of increased publicity and community support.

Support of Pro Se Activities: The Committee will continue efforts to seek the cooperation and support of the Bench in each county to facilitate access to and use of pro se materials by pro se litigants. The Committee will work with ILSI to make pro se materials available to low-income litigants.

2003 REPORT OF VOLUNTEER LAWYER CASES

IN DISTRICT FIVE

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 6A. Please list each attorney only once in the volunteer lawyer column but complete one line for each pro bono case for that attorney.

Definitions:

Case: A legal matter referred to and accepted by a pro bono attorney volunteer.

Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program. This does not include attorneys who are on the list of pro bono volunteers but who have never taken a case. The case numbers do not include cases screened, only cases actually referred to a pro bono attorney.

Case Type: Please use the abbreviations listed in Indiana Supreme Court Administrative Rule 8(B)(3)

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, Bar association, and other organizations): Wabash Valley Volunteer Attorneys

IOLTA funding accounts for 100% of total pro bono provider budget.

Volunteer Lawyer Name	County	Year Case Accepted	Year Case Closed	Number of Hours	Case Type
Albert Schlitt	Wabash	2003	2003	3.6	Custody
James O. Wells	Fulton	2003	2003	4.3	Divorce
Jay T. Hirschauer	Cass	2003	2003	2.6	Divorce
Gregory Heller	Fulton	2003	2003	3.8	Custody
Thomas A. Keith	Miami	2003	2003	3.63	Divorce
Patrick J. Roberts	Miami	2003	2003	5.67	Custody
Robert Spahr	Miami	2003	2003	2.41	Divorce
Bryan J. Michaud	Miami	2003	2003	2.26	Divorce
James H. Austen	Miami	2003	2003	3.87	Divorce
Kelly Leeman	Cass	2003	2003	3.63	Divorce
Courtney B. Justice	Cass	2003	2004	4.62	Custody
Courtney B. Justice	Cass	2003	2004	5.69	Divorce
T. Andrew Perkins	Fulton	2003	2004	2.99	Divorce
Howard County Legal Aid	Data	Not	Available		
TOTAL:		TOTAL:		TOTAL:	
OVERALL TOTAL:	13	OVERALL TOTAL:		OVERALL TOTAL:	49.07 hours

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): _____

N/A

[illegible]

2003 REPORT

Please list your District's 2003 activities--including committee meetings, training, attorney recognition, marketing and promotion--in chronological order.

<u>Date</u>	<u>Activity</u>
Spring	Presentation of recognition certificates, signed by Chief Justice Shepard, to volunteer Attorneys
May 28	Committee meeting
July 16	Committee meeting
August 1	Fulton Co. Bar Association .5 hr. ethics CLE to inform members of work of WVVA, Rule 6.1 and distribute reporting forms. Attended by 8 members.
August 28	Tipton Co. Bar Association .5 hr. ethics CLE to inform members of work of WVVA, Rule 6.1 and distribute reporting forms. Attended by 13 members.
Sept. 3	Wabash Co. Bar Association .5 hr. ethics CLE to inform members of work of WVVA, Rule 6.1 and distribute reporting forms. Attended by 17 members.
Sept. 5	Howard Co. Bar Association .5 hr. ethics CLE to inform members of work of WVVA, Rule 6.1 and distribute reporting forms. Attended by 27 members.
Sept. 17	Committee meeting
Fall	Printed and distributed through Judges in Dist V 2,000 copies of Parenting Time Guidelines for distribution primarily to pro-se litigants.
Oct. 23	Committee meeting
Dec. 3	Committee meeting
Dec. 12	Introduction to Pro Bono Law 6 hr. (1 hr. Ethics) CLE in Kokomo. Attended by 12 attorneys.

2003 REPORT

Please provide a short summary of how the provision of pro bono service is coordinated in your district, including the intake process, the relationships of pro bono providers in the district, how referrals are made, and how reporting is done.

The Lafayette Indiana Legal Services (ILS) office coordinates Community Volunteer Lawyers Panels in Cass, Fulton, Miami, Tipton and Wabash Counties. ILS conducts intake, screens for eligibility and refers cases to panel members. ILS periodically monitors case progress including hours spent, offers malpractice insurance, and litigation expense support. Panel members contacted directly by potential clients can refer clients to ILS for referral back to the panel member. Non-panel member attorneys providing pro bono services outside of the CVLP are encouraged to use simple self-reporting forms provided by WVVA to report cases and hours spent.

Howard County has maintained a separate program, Howard County Legal Aid. Approximately 25 attorneys participate by taking turns every Tuesday afternoon in the Howard Co. Courthouse seeing indigent individuals seeking pro bono legal services. WVVA has provided self-reporting forms for use by HCLA pro bono attorneys, however, the members present at the Sept 5, 2003 Howard Co. CLE program, were generally reluctant to commit to utilizing the forms, citing the additional administrative burden.

Please describe any special circumstances, including difficulties encountered, affecting your District's 2003 implementation of its plan.

The committee had hoped to be able to report the considerable amount of pro bono activity that the committee knows is being provided by many attorneys in District V outside of the ILS administered Community Volunteer Lawyers Panels by way of the self-reporting mechanism publicized by the committee throughout District V, and emphasized at the four mini-CLE Bar meeting programs conducted in 2003. While the committee will continue efforts to encourage self-reporting, it will continue to be a challenge to more completely report the pro bono activity in District V. Howard County Legal Aid provides considerable pro bono service, but the membership remains steadfast in its desire to maintain its independence and minimize administrative record keeping.

The committee continues to desire to conduct community legal education programs in each county, but has realized that the planning, organizing and coordination of such events requires a bit more "staffing" to put them together. In the spring of 2003, ILS's Pro Bono coordinator left and the new coordinator was not able to provide the necessary staffing to organize the programs. That person has recently left and a new coordinator has been hired. Fortunately, the new coordinator (Jennifer A. Miller) has eight years previous experience with the Lafayette ILS office, and the committee hopes to be able to conduct the programs in 2005.

BUDGETS FOR 2003, 2004 AND 2005 *FOR IOLTA FUNDS ONLY*

Cost Category	2003 actual ex- penditures	2003 Budget	2004 actual ex- penditures	2004 Budget	2005 Budget
A. Personnel					

Costs					
1. Plan Administrator					
2. Paralegals					
3. Others					
4. Employee benefits					
a. Insurance					
b. Retirement plans					
c. Other					
5. Total Personnel Costs					
B. Non-Personnel Costs					
1. Occupancy					
2. Equipment rental					
3. Office supplies					
4. Telephone					
5. Travel					
6. Training					
7. Library					
8. Malpractice Insurance	500	500	1000	1000	500
9. Dues and fees					
10. Audit					
11. Contingent reserve					
12. Litigation reserve		1000	1000		1000
13. <i>Community Ed Materials</i>	1025	2000	20	2223	2000
14. Attorney recognition	137	1500		150	150
15. Litigation Expenses (includes expert fees)		1000		1000	1000
Recruitment and CLE	503		262.50	1500	1350
16. Contract Services to ILS	3000	3000	5000	5000	5000
17. Grants to other pro					

bono providers					
19. Other					
20. Total Non-Personnel Costs	5165	9000	7282.50	10873	11000
C. Total Expenditures	5165	9000	7282.50	10873	11000

IOLTA funds received 2003: \$5,940 IOLTA funds received 2004: \$1,000

Budget Narrative

Please provide descriptions of the following line items in the foregoing budget chart, by item number, in the space provided.

Lines (A)(1), (2), (3) Please indicate the number of hours per week for each personnel position and rate of pay.

N/A

Line (B)(1) Please describe the occupancy cost in terms of square footage, utilities or other amenities and indicate whether the occupancy cost is above or below the market rate for that space.

N/A

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due